

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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W.P. Nos : 13777 and 23393 of 1999

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WP No.13777/1999:

Between:

Pala Krishna Reddy S/o.Roshi Reddy, aged 42 years,
Business, R/o.Kaluvoya (V) & Mandal, Nellore Dist.

..... PETITIONER

AND

- 1 The Gram Panchayat,Kaluvoya rep.through Executive Officer,
Kaluvoya Nellore Dist.
- 2 District Panchayat Officer, Nellore.
- 3 Mandal Revenue Officer, Kaluvoya, Nellore Dist.
- 4 Dist.Collector (Panchayat Wing), Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially one in the nature of Writ of Mandamus declaring the action of the respondents in disposing the petitioners from the Shop (bunk) Adm:0.01 Cent area of S.Nos.395,396 of Kaluvoya village and Mandal, Nellore Distric as illegal, void and without jurisdiction and consequently direct the

respondents to expedite the assignment proceedings initiated by the 3rd respondent for assignment of the land in favour of the petitioner.

W. P. NO : 23393 of 1999:

Between:

Pala Krishna Reddy S/o.Roshi Reddy, aged 42 years,
Business, R/o.Kaluvoya (V) & Mandal, Nellore Dist.

..... PETITIONER

AND

- 1 The Gram Panchayat,Kaluvoya rep.through Executive Officer,
Kaluvoya Nellore Dist.
- 2 The District Panchayat Officer, Nellore.
- 3 The Mandal Revenue Officer, Kaluvoya, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially Writ of Mandamus, directing the Respondents to permit the petitioner to proceed with construction of House in the allotted site Adm.Ac.0.01 cents in S.Nos.395, 396 of Kaluvoya village, Nellore District as per the Patta Certificate dt.17.7.1999 granted by the Mandal Revenue Officer, Kaluvoya by declaring the action of the Respondents in interfering with the petitioner's construction activities as illegal, void and arbitrary.

For the Petitioner in both WPs: MR.METTA.CHANDRASEKHARA RAO, Advocate.

For the Respondent No.1 in WP No.13777/99: MR.NUTY RAM MOHAN RAO,Advocate.

For the Respondent No.1 in WP No.23393/99: Mr. P.Gangarami Reddy, Advocate.

For the Respondent Nos.2 to 4 in WP No.13777/00 and respondents 2 and 3 in WP No.23393/99 : Government Pleader for Panchayat Raj.

The Court made the following:

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W. P.Nos.13777 and 23393 of 1999

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COMMON ORDER:

The petitioner claiming to be in possession of Ac.0.01 cent of land in Survey Nos.395 and 396 of Kaluvoya village and Mandal, Nellore District and eking out his livelihood by running a cool drinks shop established in the said land, filed WP No.13777/1999 contending that he moved the Government for assignment of the said land in his favour, for which, the Government granted status-quo order and when the same is pending, respondents dispossessed him from the said land, which is arbitrary and illegal. The very same petitioner filed another WP No.23393/1999 seeking a direction to the respondents to permit him to proceed with the construction of house in the allotted site ad-measuring Ac.0-01 in S.Nos.395, 396 of Kaluvoya village, Nellore as per the patta certificate dt. 17-7-1999 granted by the Mandal Revenue Officer, Kaluvoya by declaring the action of the respondents in interfering with his construction activities as illegal.

2. In the counters filed on behalf of the first respondent and also on behalf of the respondents 2 and 4, it is stated that the site in S.Nos.395 and 396 of Kaluvoya

Gram Panchayat is 'Grama Nattam', which vests in the Gram Panchayat as per Section 58 of the Andhra Pradesh Panchayat Raj Act, 1994. As per the Judgment in O.S.No.150 of 1996 on the file of Junior Civil Judge, Gudur, Nellore District, the petitioner did not possess any right on the site and accordingly, he was removed from the encroachment as per the orders passed by this Court in W.P.No.25444 of 1997 dated 06.02.1998.

3. The petitioner's revision is still pending with the Minister for Panchayat Raj, Andhra Pradesh, Hyderabad.

4. Having regard to the fact that revision filed by the petitioner is pending with the Government of Andhra Pradesh, represented by its Secretary, Panchayat Raj & Rural Development (PTS-IV) Department, the Government is hereby directed to dispose of the revision petition as early as possible, if the same is not already disposed of, and communicate the order to the petitioner.

5. Both the writ petitions are accordingly disposed of. No costs.

7th July, 2004.

Note: Office shall send a copy of this order
to the Secretary to Government, Panchayat Raj &
Rural Development (PTS-IV) Department, Secretariat,
Hyderabad.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Executive Officer, Gram Panchayat, Kaluvoya, Nellore District.
2. The District Panchayat Officer, Nellore.

3. The Mandal Revenue Officer, Kaluvoya, Nellore District.

4. The District Collector (Panchayat Wing),Nellore.

5. The Secretary to Government, Panchayat Raj and Rural

Development (PTS-IV) Department, Secretariat, Hyderabad.

6. Two CCs to the Government Pleader for Panchayat Raj, High
Court Buildings, Hyderabad (O.U.T.)

7. Two C.D.copies.

Cs/KMR